

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK BATTALINE,)	
an individual, and)	
VINCENT ROSS, an)	
individual,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 06-569
)	
ADVEST, Inc.,)	
)	
Defendant.)	

AND NOW, this ^{2nd} day of October, 2007, upon consideration of the parties' Joint Motion for Preliminary Approval of Class Action Settlement, and the parties argument during the status conference held before this Court on August 21, 2007, IT IS HEREBY ORDERED THAT the parties are directed to brief the following issues:


- (1) Whether this court has subject matter jurisdiction pursuant to either 28 U.S.C. §1332 and/or 28 U.S.C. §1367 in light of the Court of Appeals for the Third Circuit's opinion in De Asencio v. Tyson Foods, Inc., 342 F.3d 301 (3d Cir. 2003);
- (2) Whether the named plaintiffs satisfy the Fed.R.Civ.P. 23 requirements despite variations in state law;
- (3) Whether the proposed settlement is fair in light of the potential value of the claims including, but not limited

to, an analysis of the potential value the named representatives claims;

- (4) Whether the attorneys' fees are fair and reasonable.

The parties are directed to provide the additional briefing on or before October 22, 2007. Thereafter, the court will schedule a preliminary fairness/class certification hearing.

BY THE COURT:

 _____, J.

cc: All Counsel of Record